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## TESTA, HURWITZ & THIBEAULT, LLP

JUL 0 1 2004

ATTORNEYS AT LAW

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without making a copy.

	Date:	July 1, 2004
то:	Name:	Examiner Anthony D. Stashick of Art Unit 3728 U.S. Patent and Trademark Office
	Company: Address:	U.D. I atom mile 220
	Telephone:	703-308-3876
	Fax:	703-872-9306
FROM:	Sender: Number of l	John V. Forcier, Esq.  Pages INCLUDING This Cover Sheet:  7
	Client:	U.S.S.N. 09/915,216 Attorney Docket No. ADI-074
Mail Stop I	ssue Fee	

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PATENT Attorney Docket No. ADI-C74 JUL 0 1 2004 (257/40)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Berger et al.

SERIAL NO.:

09/915,216

GROUP NO .:

3728

FILING DATE:

July 25, 2001

EXAMINER:

A. D. Stashick

TITLE:

Climate Configurable Sole and Shoe

### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, and any document(s) referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile No. (703) 872-9306 on this 1 day of July, 2004.

John V. Ford

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA. 22313-1450

#### Submitted herewith are:

- Transmittal Form (1 pg.); 1.
- Authorization to Charge Deposit Account (2 pgs.); and 2.
- Fee Transmittal Form (1 pg.) (in duplicate). 3.

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			Application Se	rial Number	09/915	5,216
			Filing Date		July 2	5, 2001
			First Named In	ventor	Berger	
	TO A NICINATITY A	Т	Group Art Uni	t	3728	
	TRANSMITTA	سلا	Examiner Nam	ne	A.D. S	Stashick
	FORM		Attorney Dock	cet No.	ADI-0	74
			Patent No.		· · · · · · · ·	pplicable
			Issue Date		Not a	pplicable
		ENC	LOSURES (che	ck all that apply)		
⊠ F	ee Transmittal Form		Copy of Notice t Parts of Applicat	o File Missing		Notice of Appeal to Board of Patent Appeals and Interferences
	☐ Check Attached ☐ Copy of Fee Transmittal Form		Formal Drawing			Appeal Brief (in triplicate)
	Amendment/Response		Request For Cor Examination (Re	ntinued CE)		Status Inquiry
	☐ Preliminary ☐ After Final		Transmittal			Return Receipt Postcard
	Affidavits/declaration(s)  Letter to Official  Draftsperson		Power of Attorn (Revocation of I	ey Prior Powers)		Certificate of First Class Mailing under 37 C.F.R. 1.8
	including Drawings [Total Sheets]		Terminal Discla	úmer	⊠	Certificate of Facsimile Transmission under 37 C.F.R. 1.8
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	Information Disclosure Statement		Small Entity Sta	atement	Aut	nonzation to Charge Deposit testers
	Form PTO-1449 Copies of IDS Citations		CD(s) for large program	table or computer		
	Certified Copy of Priority		Amendment Af	ter Allowance		
	Document(s)		Request for Certificate of			
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1	identity of above			CHARLE WALLES AND	OCY	
COR	CORRESPONDENCE ADDRESS			SIGNATURE BI	JUCK	Respectfully submitted,
Direct all correspondence to: Patent Administrato Testa, Hurwitz & T 125 High Street Boston, MA 02110 Tel. No.: (617) 248 Fax No.: (617) 248		hibeault, LLP 0 3-7000	Date: July 1, 2004 Reg. No. 42,545 Tel. No.: (617) 310-8671 Fax No.: (617) 248-7100  Tokin V. Forcier Attorney for the Applicants Test, Hurwitz & Thibeault, Li 25 High Street Boston, MA 02110			
1.				l		

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#### FEE TRANSMITTAL FY 2004

	Complete if Known
Application Serial Number	09/915,216
Filing Date	July 25, 2001
First Named Inventor	Berger
Group Art Unit	3728
Examiner Name	A. D. Stashick
Attorney Docket No.	ADI-074

			CALCULATION (continued)		
METHOD OF PAYMENT	3. ADDIT	IONAL FEI		i	
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Additional fee required under 37 CFR 1.16 and	50	25	Surcharge - late provisional filing fee		
			or cover sheet		
	130	130	Non-English specification		
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3. Applicant claims small entity status.	110	55	Extension for reply within first month		
FEE CALCULATION	420	210	Extension for reply within second		
1. FILING FEE			month		
	950	475	Extension for reply within third month		
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·	2010	1005	Extension for reply within fifth month	ļ	
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	330	165	Request for oral hearing		
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160 Provisional filing Ice	130	130	Submission of Information Disclosure		
	180	180	Statement	L	
Number Number Rate Amount	770	385	Filing a submission after final		
Filed Extra	770	363	rejection (37 CFR 1.129(a))		
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			Respectfully submitted,	-	
Direct all correspondence to: Patent Administrator			$\bigcirc$		
Testa, Hurwitz & Thibeault, LLP	1		$(X) \setminus (Y) \setminus (Y)$		
125 High Street	Date: July	, 1 <b>, 2</b> 004	VI Province		
Boston, MA 02110	Reg No.:	42,545	John M. Forcier	te	
Tel. No.: (617) 248-7000	Tel No.:	(617) 310-8	Attorney for the Applican 7100 Tests, Hurwitz & Thibeau	dt LLP	
Fax No.: (617) 248-7100	Fax No.:	(617) 248-	7100 losts, marwitz of Ambour	11th 1-151	
Fax 110 (017) 2.10 77.	· I		125 High Street Boston, MA 02110		
	l		Boston, MA 02110		

# FEE TRANSMITTAL FY 2004

	Complete if Known
Application Serial Number	09/915,216 July 25, 2001
Filing Date First Named Inventor	Berger 3728
Group Art Unit Examiner Name	A. D. Stashick ADI-074
Attorney Docket No.	continued)

	Attorney I	ocket No.	ADI		
			FEE C	ALCULATION (continued)	
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		,		month Extension for reply within third mont	b
FILING FEE		950	475	Extension for reply within fourth	1
arge Entity	Fee Paid	1480	740		
Fee (\$) Fee Description		<b>\</b>	1005	Extension for reply within Ittil mone	
rec (a)		2010	165	Notice of Appeal Filing a brief in support of an appeal	
770 Utility filing fee		330	165	mt for oral negligib	
Design filing fee	<b></b>	290	145		
160 Provisional filing fee	L	130	130 180	Submission of Information Discrete	in:
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Number Rate	Amount	770	385	Filing a submission after final rejection (37 CFR 1.129(a))	1
Number Number Filed Extra				rejection (5) of the invention to be	
Litea		770	385	For each additional invention to be Examined (37 CFR 1.129(b))	\
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Testa, Hulwitz & 1.			<b>~!~ · /// ~</b> 47		phlicants
Patent Administrator Testa, Hurwitz & Th		I Keg.	140	10 0(7)	
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125 High Street	-7000 ·	1	No.: (617) 3 No.: (617) 3	10-00/1	Autocautt, Dr



PATENT

Atty. Docket No. ADI-074

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(257/40) CENTRAL FAX CENTER

JUL 0 1 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Berger et al.

CONFIRMATION NO:

5641

SERIAL NO.:

09/915,216

GROUP NO.:

3728

FILING DATE:

July 25, 2001

**EXAMINER:** 

A. D. Stashick

TITLE:

Climate Configurable Sole and Shoe

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Applicants filed timely an Amendment and Response ("Amendment") via facsimile on April 5, 2004, in which Applicants added two dependent claims, namely claims 28 and 29. On June 9, 2004, a Notice of Allowance was mailed from the Patent Office. Applicants paid the issue and publication fees on June 17, 2004.

Upon further review, Applicants inadvertently did not include an excess claim fee payment or a further authorization in this application to charge the fee for the two additional dependent claims added by the Amendment filed on April 5, 2004. The application was filed with 27 total claims and 29 total claims were allowed. Therefore, Applicants believe that a fee is due for the two additional claims (i.e., \$36.00 for two extra claims at \$18.00 each). The failure to pay the fee was in error and without deceptive intent. Applicants have not received any notice of additional fees due from the Patent Office.

Authorization to Charge Deposit Account OUSSN 09/915,216 Attorney Docket No. ADI-074

If the excess claim fee is due and has not been charged to our deposit account, the undersigned hereby authorizes the Director to charge our deposit account, No. 20-0531, for the \$36.00 excess claim fee, as well as any other fees that may be required, including but not limited to any extension of time fee required for accepting payment of the excess claim fee at this time. Further, if any extension of time is required, please consider this paper a conditional petition for the proper extension. In addition, Applicants include herewith a fee transmittal in duplicate.

Applicants respectfully request correction of this inadvertent error, without withdrawing the application from issue or otherwise delaying issuance of the patent.

The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: July 1, 2004 Reg. No. 42,545

Tel. No. (617) 248-7675

Fax No. (617) 790-0100

John W. Forcier

Attorney for Applicants

Testa, Hurwitz/&/Thibeault, LLP

125 High Street

Boston, MA/02/110

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